

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Application No. 10/687,471)
Filed: October 15, 2003)
Applicants: Lin WANG et al.)
Title: COLD-WATER SOLUBLE)
EXTRUDED STARCH PRODUCT)
Art Unit: 1742)
Examiner: Monica Anne HUSON)

Date of Notice)
of Allowance,)
PTOL-85: February 21, 2012)

Attorney Docket: 8970-95071-US)
Customer No.: 74456)

Confirmation No. 8885

CERTIFICATE OF EFS-WEB TRANSMISSION

I hereby certify that this correspondence is being transmitted via the United States Patent and Trademark Office (USPTO) electronic filing system (EFS-Web) to the USPTO on March 2, 2012.

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Commissioner for Patents
P. O. Box 1450
Alexandria, Virginia 22313-1450

REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT
UNDER 37 C.F.R. § 1.705(b)

Sir:

Reconsideration is respectfully requested of the Patent Term Adjustment for the above-identified application. In the Patent Term Adjustment Determination included with the Notice of Allowance, the calculated adjustment to date is 1756 days. Applicants respectfully submit that the Patent Term Adjustment should be 2158 days.

Applicants assert that the Patent Term Adjustment determination is a result of Patent Office error. More specifically, Applicants believe that the Patent Office has incorrectly

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attributed a total of 410 days as Applicant Delays when this number should actually be only 17 days.

The Patent Term Adjustment History indicates an entry on May 24, 2005 as an Applicant Delay with the description of "Additional Application Filing Fees." (Entry No. 10). Applicants note that the present application was filed on October 15, 2003 and included a General Authorization to deduct the current fees due, as well as "any additional fee(s) during the pendency of the application" to Applicants' representative's deposit account. Therefore, at a minimum, all current and future fees were authorized at the time of filing such that the notation in the Patent Term Adjustment History is incorrect.

Further, Applicants believe that the entry may also be an erroneous PALM entry that resulted from a Notice of Incomplete Nonprovisional Application and subsequent Petition filed by Applicants. As discussed above, Applicants filed the present application on October 15, 2003. On January 26, 2004, a Notice of Incomplete Nonprovisional Application was mailed by the Patent Office. On March 19, 2004, Applicants filed a Petition requesting withdrawal of the Notice of Incomplete Nonprovisional Application and according a filing date of October 15, 2003 for the Application. On May 24, 2004, the Office of Petitions issued a Decision granting the Petition and indicated that the Notice of Incomplete Nonprovisional Application was mailed in error such that it was withdrawn. Therefore, there was no Applicant Delay as the Notice of Incomplete Nonprovisional Application was mailed in error.

The Patent Term Adjustment History shows the above-disputed Applicant Delay of 393 days for Additional Filing Fees exactly one year from the date of the Decision. Applicants are not aware of any other fees that were due or otherwise belatedly paid from the initial October 15, 2003 filing date until the May 24, 2005 entry in the Patent Term Adjustment History. Therefore, Applicants believe this entry was made in error such that the alleged 393 day Applicant Delay should be withdrawn.

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Based on the above information, Applicants assert that the correct amount of Patent Term Adjustment that should be granted in this case should be 2158 days.

This application is not subject to a terminal disclaimer.

This Request for Reconsideration of Patent Term Adjustment is being filed subsequent to the Notice of Allowance, but prior to payment of the Issue fee.

Authorization to charge Deposit Account No. 06-1135 for the fee under 37 C.F.R. § 1.18(e), according to 37 C.F.R. § 1.705, was given using EFS-Web.

The Commissioner is hereby authorized to charge any additional fees which may be required with respect to this communication, or credit any overpayment, to Deposit Account No. 06-1135.

Respectfully submitted,
FITCH, EVEN, TABIN & FLANNERY, LLP

Dated: March 2, 2012

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